

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
LISA MENNINGER,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 19-11441-LTS
)	
PPD DEVELOPMENT, L.P.,)	
)	
Defendant.)	
_____)	

SPECIAL VERDICT QUESTIONS FOR THE JURY

Question 1: Discrimination—Failure to Provide Reasonable Accommodation Claim

Question 1. Did Dr. Menninger prove by a preponderance of the evidence that PPD unlawfully discriminated against her by failing to provide her with a reasonable accommodation?

YES: _____ NO: _____

Please proceed to Question 2A.

Question 2: Discrimination—Disparate Treatment/Adverse Employment Action Claim

Question 2A. Did Dr. Menninger prove by a preponderance of the evidence that PPD unlawfully discriminated against her by taking an adverse employment action against her under federal law (applying the federal “but-for” causation standard)?

YES: _____ NO: _____

Please proceed to Question 2B.

Question 2B. Did Dr. Menninger prove by a preponderance of the evidence that PPD unlawfully discriminated against her by taking an adverse employment action against her under Massachusetts law (applying the Massachusetts “determinative cause” causation standard)?

YES: _____ NO: _____

Please proceed to Question 3A.

Question 3: Retaliation Claim

Question 3A. Did Dr. Menninger prove by a preponderance of the evidence that PPD unlawfully retaliated against her under federal law (applying the federal “but-for” causation standard)?

YES: _____ NO: _____

Please proceed to Question 3B.

Question 3B. Did Dr. Menninger prove by a preponderance of the evidence that PPD unlawfully retaliated against her under Massachusetts law (applying the Massachusetts “determinative cause” causation standard)?

YES: _____ NO: _____

Please proceed to Question 4.

Question 4: Damages

If your answer was “yes” to any of Questions 1-3B above, please proceed to Question 4A.

If your answer was “no” to all of Questions 1-3B above, please skip Questions 4A-4E and proceed to Certification.

Question 4A. Enter below the amount of “back pay,” if any, that Dr. Menninger proved by a preponderance of the evidence that she lost because of PPD’s disability discrimination and/or retaliation.

\$_____ (amount expressed in numbers);

_____ (amount expressed in words)

Please proceed to Question 4B.

Question 4B. Enter below the amount of “front pay,” if any, that Dr. Menninger proved by a preponderance of the evidence that she will lose because of PPD’s disability discrimination and/or retaliation.

\$_____ (amount expressed in numbers);

_____ (amount expressed in words)

Please proceed to Question 4C.

Question 4C. Enter below the amount of damages for “emotional distress,” if any, that Dr. Menninger proved by a preponderance of the evidence that she suffered up to today because of PPD’s disability discrimination and/or retaliation.

\$ _____ (amount expressed in numbers);

_____ (amount expressed in words)

Please proceed to Question 4D.

Question 4D. Enter below the amount of damages for “emotional distress,” if any, that Dr. Menninger proved by a preponderance of the evidence that she is reasonably likely to suffer in the future because of PPD’s disability discrimination and/or retaliation.

\$ _____ (amount expressed in numbers);

_____ (amount expressed in words)

Please proceed to Question 4E.

Question 4E. Do you find that “punitive damages” are warranted against PPD?

YES: _____ NO: _____

If you answered “yes” to Question 4E, please proceed to Question 4F.

If you answered “no” to Question 4E, please skip Question 4F and proceed to Certification.

Question 4F. Enter below the amount of “punitive damages” that you award to Dr.

Menninger.

\$_____ (amount expressed in numbers);

_____ (amount expressed in words)

Proceed to Certification.

Certification

I hereby certify the foregoing answers are the unanimous answers of the jury.

Jury Foreperson

Dated: